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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,010	06/25/1999	STEVEN JEROME MOORE	122995-43-34	8566

7590 05/07/2004
STEVEN J MOORE
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EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Appeal Brief

1. Receipt is acknowledged of the Appeal Brief filed on February 13, 2004.

Finality Withdrawn

- 5 2. In careful review of the Appellant's appeal brief, especially the summary of invention and subsequent argument section and prosecution history, the finality of the office action (mailed on May 13, 2003) is withdrawn.

Claim Objections

- 10 3. Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Re claim 18, there is no "product" defined in claim 15. Even if the Applicant rephrases
15 the claim "The product of the process of claim 15", the product(s) are already described in claim 15 in claiming the process, and claim 18 would fail to further limit the subject matter of a previous claim.

Appropriate correction is required.

20 ***Allowable Subject Matter***

4. Claims 8-17, 19-21, and 26-31 are allowed.

Art Unit: 2876

The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a computer-assisted method for recoding an identity of the purchaser when the purchaser buys an item at retail establishment. As shown in previously cited references, recording sales transaction in a retail setting is generally known in the art. However, the cited references, taken alone or in combination, fails to teach or suggest a particular method wherein the unique identity of the item (not the kind of an item) is associated with the purchaser and recorded in the database as set forth in the claims. The records in the database can also be shared among the retailers.

5 5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

15 I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rose (US 6,076,064) discloses a system and the method for associating a purchaser and the products. Applicant is respectfully suggested to carefully review these references.

20 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

Art Unit: 2876

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim
Patent Examiner
Art Unit 2876
15 April 30, 2004


MICHAEL G. LEE
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